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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUADALUPE RUIZ,

 Petitioner,

 v.

T. CISNEROS, Warden,

 Respondent.

No. 1:21-cv-00759-DAD-SKO (HC)

**ORDER VACATING ORDER DURING
PAYMENT OF FILING FEE**

[Doc. 3]

Petitioner is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 13, 2021, the Court issued an order granting Petitioner’s application to proceed *in forma pauperis*. (Doc. 3.) On June 21, 2021, Petitioner notified the Court that the order was incorrect, insofar as Petitioner was proceeding with a petition for writ of habeas corpus, not a civil rights complaint. (Doc. 12.) He states that the order incorrectly stated that he was proceeding pursuant to 42 U.S.C. § 1983 and obligated to pay the \$350.00 filing fee for the action. Petitioner’s objections are well-taken.

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1 Accordingly, Petitioner is authorized to proceed in forma pauperis in this habeas action
2 pursuant to 28 U.S.C. § 1915, and the order directing payment of the statutory filing fee for a civil
3 rights action is hereby VACATED.

4
5 IT IS SO ORDERED.

6 Dated: June 22, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE